

REMARKS

Claims 1-11, 13-37 and 39-97 are pending in the application. By this amendment, claim 38 is cancelled and claim 73 is amended to correct a typographical error. Favorable reconsideration of the application in view of the following remarks is respectfully solicited.

Claims 1, 3-11, 13-27, 29-37, 39-45, 48-60 and 64-73 were rejected in the December 15 Office Action. Applicants gratefully acknowledge the allowance of claims 74-97 and the indication that claims 2, 28, 46, 47 and 61-63 define allowable subject matter. However, for at least the reasons set forth below, applicants respectfully submit that all of claims 1-11, 13-37 and 39-73 define patentable subject matter.

Applicants gratefully acknowledge the courtesies extended by Examiner Pham to their undersigned representative during the February 4, 2005 personal interview. The substance and content of the personal interview are set forth in the following remarks.

I. Formal Matters

Page 2 of the Office Action objects to claims 38 and 73 for a variety of informalities, and requires an appropriate correction.

Applicants respectfully submit that claim 73 has been appropriately corrected by amending its dependency to claim 72, rather than itself. Applicants respectfully submit this appropriately corrects the error in claim 73.

With respect to claim 38, the Office Action correctly notes that claim 38 was inadvertently skipped. By this Amendment, claim 38 is cancelled. Since all of claims 39-97 correctly indicate the claims from which they depend, if any, applicants respectfully submit that canceling claim 38 appropriately corrects this informality regarding claim 38. Withdrawal of the objection to claims 38 and 73 is respectfully solicited.

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II. Rejection

Page 2 of the Office Action rejects claims 1, 3-11, 13-27, 29-37, 39-45, 48-60, and 64-73 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 5,096,596 to Hellenbrand et al. The rejection is respectfully traversed.

Page 2 of the Office Action specifically points to the abstract, column 2, line 45 – column 3, line 9 and column 3, line 56 – column 4, line 37 of Hellenbrand et al., as well as elements 22, 24, 26, 36, 63-65, 72, and 78, as shown in Fig. 1 of Hellenbrand. Applicants respectfully submit that the Office Action has misapplied these teachings of Hellenbrand et al. to the rejected claims.

As discussed in detail during the February 4, 2005 personal interview, the system shown in Hellenbrand et al., while having three valves, is otherwise completely distinct from that set forth in claim 1, which appears to be the only claim to which the teachings of Hellenbrand et al. are applied on pages 2 and 3 of the Office Action.

In particular, as discussed during the February 4 personal interview, Hellenbrand et al. operates by using three separate, and functionally and structurally distinct, actuators for each of the three valves 64, 72 and 78 shown in Hellenbrand et al. That is, while each of the three valves 64, 72 and 78 is used to control the flow of a gas or fluid along separate sections of a serial flow pathway, the valves 64, 72 and 78 are not otherwise operationally connected to each other. In fact, as clearly shown in Fig. 1 of Hellenbrand et al., the three valves 64, 72 and 78, are operationally connected in parallel with respect to each other and the corresponding set of actuators not in series. The actuators are all connected to the same actuating power source. Thus, actuation of any one of the valves 64, 72 and/or 78 using its dedicated valve actuator does not in any way affect the operation of any one of the other valves 64, 72 or 78. Furthermore, none of the valves 64, 72 and 78 require one of the other valves to be operated in order to operate that valve. Thus, each of the valves 64, 72 and 78 can be turned on and off separately without affecting the operational status of the other valves.

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In contrast, as discussed during the February 4 personal interview, as set forth in claim 1 and similarly recited in claims 13 and 45, the aeration control apparatus includes a first valve and a second valve that is downstream of the first valve. The first valve has a first position that connects a source of compressed oxidizing gas through a first flow passage to the second valve such that the second valve will be displaced by the gas pressure from the source of compressed oxidizing gas to its own first position to open a second flow passage between the source of compressed oxidizing gas and the aeration tank. Likewise, the first valve has a second position that closes off the source of compressed oxidizing gas from the first flow passage and opens a second flow passage to the second valve that is at atmospheric pressure. As set forth in claim 1, when the first valve is actuated by moving it from the second position to the first position, the gas pressure of the source of compressed oxidizing gas is then applied to the second valve so that the second valve moves from its second position to its first position.

Claim 9 sets forth, and claim 67 similarly sets forth, a controllable valve that is operated by a controller to connect a source of compressed oxidizing gas to a control valve that operates due to the air pressure from the source of compressed oxidizing gas to open a flow passage between the source of compressed oxidizing gas and at least the aeration tank.

It should be appreciated that, because the Office Action fails to analyze any of the features recited in any of the dependent claims, the above outlined comments relate only to the independent claims. Applicants believe that each of claims 1-8, 10, 11, 14-44, 46-66 and 70-73 individually define sets of features that are patentable over the references of record. Thus, it should be appreciated that the above-outlined distinctions between claims 1, 9, 13, 45 and 67 and the teachings of Hellenbrand relate only to those claims.

For at least the reasons outlined above, applicants respectfully submit that Hellenbrand fails to teach, disclose or suggest all of the features recited in claims 1-11, 13-37, and 39-73 under 35 U.S.C. § 103(a). Withdrawal of the rejections of claims 64-73 under § 103(a) as

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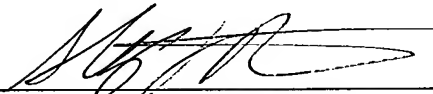
obvious over Hellenbrand is respectfully solicited. Withdrawal of the rejection of claims 1, 3-11, 13-27, 29-37, 39-45, 48-60, and 64-73 and allowance of all of claims 1-11, 13-37 and 39-97 are respectfully solicited.

III. Conclusion

For at least the reasons outlined above, applicants respectfully submit the application is in condition for allowance. Favorable consideration and prompt allowance of all of claims 1-11, 13-37 and 39-97 is respectfully solicited.

Should the examiner believe anything further is desirable in order to place this application in even better condition for allowance, she is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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